



15 JUL 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Oblon, Spivak, McClelland,
Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

In re Application of :
Ponceau et al. :
US Application No.: 10/070,816 :
PCT Application No.: PCT/FR00/02483 :
International Filing Date: 08 September 2000 :
Priority Date: 10 September 1999 :
Attorney's Docket No.: 219898US6XPCT :
For: ASSISTING DEVICE FOR UNFOLDING :
A MOTOR VEHICLE INFLATABLE :
AIRBAG :

DECISION ON PETITION
UNDER 37 CFR 1.181

This decision is in response to the "Petition under 37 CFR 1.181 to Withdraw Holding of Abandonment" filed on 26 November 2002.

BACKGROUND

On 10 May 2002, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905), advising Applicants that the extra claims fees and an oath/declaration in compliance with 37 CFR 1.497(a) and (b) were required. An extendable 2-month reply period was provided. No response was filed on or before 10 December 2002, and no extension of time in accordance with 37 CFR 1.136(a) was obtained. The application was held abandoned as of 11 July 2002. A Notice of Abandonment (Form PCT/DO/EO/909) was mailed on 15 November 2002.

The instant petition asserts that the missing items were filed on 12 November 2002 along with a 4-month extension of time and the requisite extension-of-time fee.

ANALYSIS

The USPTO records indicate receipt on 12 November 2002 of, *inter alia*, a \$1,440 check for the 4-month extension of time; and a declaration and power of attorney executed by both inventors. Apparently, these items were not matched with the file until recently.

CONCLUSION

In view of the above, the petition to withdraw the holding of abandonment in this application is **GRANTED**.

The Form PCT/DO/EO/909 mailed on 15 November 2002 is hereby **VACATED**.

However, the declaration submitted on 12 November 2002 appears to have been altered after execution. The signature of the second inventor, in black ink, is in the wrong location and is adjacent to an arrow, in blue ink, pointing to the correct location for that signature. This alteration is not initialed and dated by the second inventor, rendering the declaration defective and unacceptable. 37 CFR 1.52(c)(1); MPEP 605.04(a) (Rev. 1, Feb. 2003).

To avoid abandonment of this application, a supplemental declaration in compliance with 37 CFR 1.497(a) and (b) must be filed within **ONE MONTH** of the mailing date of this decision.

Finally, the \$130 petition fee submitted with the instant petition has been credited to Deposit Account No. 15-0030 as authorized.

Any further correspondence with respect to this matter, deposited with the United States Postal Service, should be addressed to:

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
PO Box 1450
Alexandria, VA 22313-1450



Boris Milef
PCT Legal Examiner
PCT Legal Office



RC Tang
Petitions Attorney
PCT Legal Office
Telephone: 703-308-1315
Facsimile: 703-308-6459